

**HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G. CHANDRAIAH**

WRIT PETITION No:11764 OF 2007

Dated: 08.06.2007

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Between:

S. Siddaiah

..Petitioner

And

1. The District Educational Officer,
Kadapa, Kadapa District and others.

..Respondents.

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**HONOURABLE SMT. JUSTICE T.MEENA KUMARI
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HONOURABLE SRI JUSTICE G. CHANDRAIAH**

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ORDER: (per Hon'ble Smt. Justice T. Meena Kumari)

The present writ petition is filed aggrieved by the order, dated 27.4.2007 in O.A.No.2308 of 2007 on the file of the A.P. Administrative Tribunal.

The petitioner is the applicant before the Tribunal.

It is the case of the petitioner-applicant that he is working as Grade II Telugu Pandit and while he was working at ZPHS., Nagavaram, he was posted at ZPHS Chennarajupodu on deputation. Accordingly, he reported at ZPHS, Chennarajupodu. While so, the 4th respondent issued letter dated 22.4.2007 relieving the applicant from ZPHS Chennarajupodu and directed him to join at old station, without any orders from the 1st respondent, who is the competent authority. The 3rd respondent addressed a letter on 20.4.2007 cancelling the applicant's deputation and further directing him to join in the parent institution on 23.4.2007. It is the further case of the applicant that once he was posted on deputation to ZPHS, Chennarajupodu, it is not open to respondents 3 and 4 to cancel the deputation of the applicant.

Before the Tribunal, the learned Government Pleader contended that the Director of School Education has directed all the drawing and disbursing officers not to draw the salary of any teacher in the school, if they are not working in the particular school and the deputation orders could not be passed in the light of these instructions and therefore, the headmaster being the drawing and disbursing officer has passed the impugned orders and thereby, there is no such illegality.

The tribunal having observed that in accordance with the proceedings dated 6.2.2007 of the Director of School Education, the applicant has been posted back to his parent school and therefore, no prejudice would be caused to the applicant, dismissed the O.A.

Heard the learned Counsel for the petitioner as well as the learned Government Pleader.

Before going into the merits of the case, it is relevant to note the contents of the proceedings dated 6.2.2007 issued by the Director of School Education, as under:

“All the drawing and disbursing officers are instructed not to draw the salary of any teacher in the School, if he/she is not working in that particular school. The drawing officer has to draw the salary to the teachers working in his/her school only. If any drawing officer has drawn the salaries to the teacher who is not working in the school, he/she may be placed under suspension for committing financial irregularities.

All the RJDSEs are requested to place under suspension such of the HMs/MEOs who will draw salary to any teacher who is not working in the school to which he/she is posted.

All the DEOs/RJDSEs in the state are also requested to furnish the information of drawing officers who have committed the above financial irregularity in order to initiate disciplinary action against such erring officers.

Therefore, all the DEOs/RJDSEs are instructed not to depute any teacher to work in other place other than the place where the teacher is actually posted.”

In the light of the above proceedings, if the petitioner were allowed to be continued on deputation, his pay and allowance could not be drawn and ultimately, he would be put to much hardship without any salaries. In such a peculiar circumstance of the case, the petitioner was brought to his parent school where he was actually posted. Due to the return of the petitioner to his parent school, no hardship muchless any prejudice would be caused to him in any way.

Apart from that, irrespective of the fact whether the 1st respondent has got the competency to cancel his deputation or whether the 3rd respondent has no competency to cancel his deputation, since the order of the Director of school Education dated 6.2.2007, basing on which the petitioner was shifted to his parent school, has not been challenged in this writ petition, the petitioner cannot maintain the O.A. as well as the writ petition.

In this view of the matter and in view of the proceedings of the Director of School Education, We feel that the shifting of the petitioner

to his parent school falls within the ambit of the administration of the authorities, in which the Courts will not interfere unless and until the order suffers from any malafides. Therefore, We have no hesitation to hold that the shifting of the petitioner is only for the sake of administration as well as for smoother running of the schools as rightly observed by the tribunal. Hence, We see no merits in this writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

Justice T. Meena Kumari

Justice G. Chandraiah

Date: 8th June, 2007
Nn/Gurc.

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&
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(Order delivered by the Hon'ble Smt. Justice T. Meena Kumari)

08/06/2007